



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

NICKLOULAS VITALE,

Defendant.

Case No. 07-CR-280 (KMK)

ORDER

KENNETH M. KARAS, District Judge:

For the reasons stated on the record during oral argument today, the Court GRANTS in part and DENIES in part the pretrial motion (docket entry #8) of Defendant Nickloulas Vitale ("Defendant").

Pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), the Government must provide to Defendant redacted reports that deal with Government witness "CC-3's" comments relating to kickbacks in December 2001 and later. This material must be provided to Defendant by August 17, 2007. The Court finds that the Government is otherwise complying with its *Brady/Giglio* obligations.

The remainder of Defendant's requests—specifically his requests for (1) a bill of particulars; (2) the disclosure of grand jury transcripts; (3) the disclosure of any “Governmental threats to witnesses”; (4) the disclosure of Rule 404(b) evidence more than three weeks prior to trial; (5) the disclosure of additional *Brady/Giglio* evidence; and (6) a dismissal of the Indictment based upon the statute of limitations—are denied.

SO ORDERED.

Dated: August 9, 2007
New York, New York


KENNETH M. KARAS
UNITED STATES DISTRICT JUDGE